IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Crl.MC.No. 1086 of 2007()

CRIME NO.307 OF 2006 OF NJARAKKAL POLICE STATION.

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PETITIONER:

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1. MANIKUTTAN, S/O. CHAVARO,
   OLATTUPURATHU VEEDU, NEAR MANAPPILLY BRIDGE,
   CHERAI.

2. SHERLINKER ROOKFELLER, S/O. KOCHUNNY,
   AGED 22, AMMAPARAMBIL, ELAMKUNNAPUZHA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, CRIME NO.307 OF 2006 OF NJARAKKAL
POLICE STATION.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/04/2007, ALONG WITH CRMC NO. 1113 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs. 1086 & 1113 OF 2007

Dated this the 11th day of April, 2007

ORDER

The petitioners are accused 1 to 3 and 5 in Crime No.307/06 of the Narackal Police Station. They face allegations, inter alia, under Sec.302 of the IPC. The alleged incident took place on 24/7/06. The arrest of the petitioners took place in September, 2006. They were released on bail as per the orders dated 30/11/06 and 18/1/07. The release on bail was subject to conditions. Inter alia, a condition was imposed that the petitioners shall not enter the limits of Narakkal Police Station until further orders except for the purpose of compliance with condition No.1 regarding reporting before the Investigating Officer.

2. The learned counsel for the petitioners submits that the condition has been remaining in force for a reasonably long period of time and it is unnecessary to insist on

continuation of the same condition any longer. It is, in these circumstances, prayed that the onerous condition that the petitioners should not enter the jurisdiction of the Narakkal Police Station may be deleted.

3. Notice given to the learned Public Prosecutor. The learned Public Prosecutor, after taking instructions, opposes the applications most vehemently. The learned Public Prosecutor submits that in the interests of the law and order situation in the locality, it is too early to delete the condition now. The said condition may be directed to continue for some further period of time until the threat to the law and order situation is abated and the matters brought under control. The learned Public Prosecutor submits that already four crimes have been registered and tense atmosphere is prevailing in the locality. Serious allegations are raised against the persons on both sides of a dispute, which has already given rise to the commission of the offences punishable, inter alia, under Secs.307 and 302 of the IPC. In the interests of safety and security of the petitioners themselves, such a condition is liable to continue, submits the learned Public Prosecutor.

4. The learned counsel for the petitioners, on the contrary,

submits that the petitioners, after their release on bail, have not involved in any other crimes. There is no such an allegation even.

5. I have rendered my anxious consideration to the dispute raised. I am satisfied that there is merit in the objections raised by the learned Public Prosecutor. The insistence that the conditions must continue is certainly in the interests of maintenance of law and order as also in the interests of the safety and security of the petitioners themselves. I am, in these circumstances, not satisfied that the conditions deserve to be lifted at this stage.

6. In the result, these Crl.M.Cs. are dismissed; but with the observation that the petitioners shall be at liberty to move this Court later for the same relief not, at any rate, prior to 7/5/2007.

Sd/-

(R. BASANT, JUDGE)

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//true copy// **P.S. To Judge**